

REMARKS/ARGUMENTS

Claims 1-21 are pending in the instant applications. Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-17, 19 and 20 further stand rejected under 35 U.S.C. 102 as being anticipated by Szabo et. al (US3,993,065). Claim 3 has been amended to more particularly point out and distinctly claim the invention. Applicant respectfully submits that none of the amendments introduce new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

First, Applicant gratefully acknowledges the indicated allowability of claims 7 and 8.

Claims 1-17, 19 and 19 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point our and distinctly claim the subject matter which applicant regards as the invention, as it is found that it is unclear if the “syringe driver” of claim 1 is the same as the “syringe driver” of claim 3. Applicant respectfully submits that this rejection stands obviated in view of the amendment to claim 3 which clarifies that the syringe driver is the same for both claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. 102 as being anticipated by Szabo et. al (US3,993,065). This rejection is respectfully traversed.

The present invention provides an adapter for a syringe pump used for dispensing the contents of a hand-held syringe. The adapter is configured to be received by the pump as would a hand-held syringe. The adapter itself holds the syringe and provides a means of agitating the content of the syringe.

Szabo on the other hand discloses a very different type of apparatus, a device that is strapped to a patient and which is adaptable to the shape of a patient’s body. The

improvement of the apparatus of Szabo, compared to other such devices mountable to a patient, is that it comprises a flexible connecting member (24), working as a link between an injector part and a syringe part. Szabo discloses one apparatus, wherein an injector part, a connecting member part and syringe part are integrated. The connectable member of Szabo, however, does not comprise a syringe driver for agitating the contents of the syringe as is claimed by the present invention. The flexible connecting member (24) of Szabo comprises a flexible rod (28) slidably coaxially mounted thereon, connected to the piston (18) of the syringe (16).

In order to find anticipation under 35 U.S.C. 102, a reference must disclose each and every element of the claimed invention. Clearly, Szabo fails to disclose syringe driver agitating the contents of the syringe. The flexible rod of Szabo's adaptor merely transfers the linear injection movement from the injector part (15) to the piston (18). Szabo provides no means for agitating the contents of the syringe, it simply dispenses the contents in a manner that allows the syringe to be aligned off-center from the linear axis of the injector. Therefore, as Szabo fails to disclose a syringe driver which agitates the contents of a mounted syringe, Szabo fails to disclose each and every element of the present invention. Applicant respectfully submits that the present invention is novel over the cited reference. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the amendments and remarks, hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20, is patentably distinct over the prior art. Favorable action thereon is respectfully requested.

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Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,

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